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Of Attorneys for Ms. Wilson

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

SUE WILSON

Case No. 3:18-cv-2209

Plaintiff

COMPLAINT

vs.

Unlawful Trade Practices

**JP MORGAN CHASE BANK
NATIONAL ASSOCIATION**

28 U.S.C. § 1332

Demand for Jury Trial

Defendant

1.

THE PARTIES AND JURISDICTION

Ms. Wilson is an elderly and vulnerable citizen of Oregon as defined at ORS 124.100(1) and ORS 646.605(4) and a borrower as defined at OAR 137-020-0800(1).

2.

JP Morgan Chase Bank National Association (Chase Bank) is a national association bank and a citizen of Ohio and a person as defined at ORS 646.605(4) and a mortgage loan servicer as defined at OAR 137-020-0800(3) that regularly conducts its mortgage servicing business in Multnomah County, Oregon.

3.

This Court has jurisdiction under 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy exceeds \$75,000 including nominal damages, punitive damages, and attorney fees. This complaint's allegations are based on personal knowledge as to Ms. Wilson's behavior and made on information and belief as to the behavior of others.

4.

FACTUAL ALLEGATIONS

Ms. Wilson is 71 years old, disabled, and living on retirement benefits and so the property taxes on her Portland-area home are deferred by the State of Oregon and do not become due and payable until she dies. Chase Bank is the mortgage servicer of Ms. Wilson's home loan. As of October 2018, Ms. Wilson was current on her all mortgage payments to Chase Bank and her loan was in good standing.

5.

In November 2018 Chase Bank failed to deal with Ms. Wilson in good faith by allegedly paying deferred property taxes unnecessarily on Ms. Wilson's behalf, causing an alleged shortage of several thousand dollars in Ms. Wilson's escrow account, causing Ms. Wilson's mortgage to unnecessarily fall into arrears, causing Ms. Wilson to unnecessarily incur interest charges on an alleged past due balance. Chase Bank falsely represented to Ms. Wilson that her escrow account was short several thousand dollars and required payment to bring the escrow account out of bad standing. Chase Bank falsely represented to Ms. Wilson that her mortgage account was several thousand dollars in arrears and required payment to bring the mortgage account out of bad standing. Chase Bank falsely represented to Ms. Wilson that she owed interest charges on the alleged past due balance.

6.

In December 2018 Chase Bank failed to deal with Ms. Wilson in good faith by demanding and collecting money from Ms. Wilson in excess of her regular monthly mortgage payment amount under false pretenses.

7.

Throughout November and December 2018 Chase Bank gave Ms. Wilson the runaround in bad faith when she called in. Chase Bank refused in bad faith to take Ms. Wilson's mortgage loan out of its alleged past due status.

8.

Chase Bank's intentional bad faith neglect of its duties as Ms. Wilson's mortgage servicer as alleged in this complaint was in pursuit of profit and stood to give Chase Bank an unfair advantage over other mortgage servicers that chose to abide by their duties to treat customers fairly and in good faith. Chase Bank's intentional choice to give Ms. Wilson the run around violated the common standards required of mortgage servicers by the Oregon community.

9.

CAUSE OF ACTION

Unlawful Trade Practices – ORS 646.638

Chase Bank's bad faith behavior as alleged in this complaint willfully and intentionally violated OAR 137-020-0805, causing Ms. Wilson ascertainable loss of money Chase Bank demanded and collected from her in excess of her monthly mortgage payment amount. As a result, under ORS 646.608(1)(u) by reference to ORS 646.608(4), and ORS 646.638, Ms. Wilson requests a judgment that Chase Bank violated Oregon's Unlawful Trade Practice Act, nominal damages, punitive damages of \$313 million representing .001% of the market value of Chase Bank's publicly traded shares on Wall Street, and reasonable attorney fees and costs.

10.

Demand for jury trial.

11.

PRAYER FOR RELIEF

Ms. Wilson seeks relief as requested in paragraph 9, and any other equitable relief this Court may deem appropriate.

December 23, 2018

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Ms. Wilson

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PROOF OF MAILING

Under ORS 646.638(2), I declare and certify that on the date below I caused a copy of this complaint to be mailed to the Oregon Attorney General at the following address:

**Ellen Rosenblum
Oregon Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096**

December 23, 2018

s/ Michael Fuller
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